

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
LUBBOCK DIVISION

MARIA ESTELA RODRÍGUEZ,

Plaintiff,

v.

STATE FARM LLOYDS AND MARK
BURNETT,

Defendants.

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CIVIL ACTION NO. 5:16-cv-00029-C

**UNOPPOSED MOTION AND BRIEF IN SUPPORT REQUESTING STATUS
CONFERENCE RELATED TO STATUS OF APPRAISAL**

TO THE HONORABLE JUDGE OF SAID COURT:

COME NOW, Defendants State Farm Lloyds and Mark Burnett (“Defendants”), and file this Motion Requesting Status Conference Related to Status of Appraisal, and in support thereof respectfully show the following:

I.

1. This suit arises out of Plaintiff’s claim for coverage under her State Farm homeowner’s insurance policy for alleged damages to Plaintiff’s residential property as a result of a hailstorm occurring on June 7, 2014 in Lubbock County, Texas.

II.

2. On February 20, 2017, Plaintiff invoked appraisal pursuant to the policy. On March 3, 2017, State Farm responded to Plaintiff’s appraisal demand.

3. Pursuant to the appraisal provision in the policy, Plaintiff and Defendants have each designated an appraiser. The appraisers have inspected the Property and are in the process of determining whether it will be necessary to activate the umpire. The appraisal process cannot

move forward until the appraisers determine whether an umpire is needed to finalize the appraisal award. If in fact an umpire is needed, the umpire will need to perform an inspection of the Property in connection with finalizing the appraisal award.

4. The appraisal process will determine the amount of loss, which will narrow the issues being contested in this case and conserve judicial resources.

III.

5. In light of the pending appraisal, the current August 14, 2017 trial setting and related scheduling order do not allow adequate time for the appraisal process to run its course, for the parties to then assess their positions post-appraisal, and for the parties to complete the remaining discovery, if any, present dispositive motions, and prepare for trial if the case is not resolved. Accordingly, Defendants request that a status conference be held at the Court's earliest convenience to discuss an extension of the deadlines to allow adequate time for the appraisal to be completed. This request is not sought for the purpose of delay, but so that justice may be done.

WHEREFORE, PREMISES CONSIDERED, Defendants respectfully request that the Court grant their Request for a Status Conference Related to Status of Appraisal and award Defendants such other and further relief to which they may be justly entitled.

Respectfully Submitted,

/s/ W. Neil Rambin

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ATTORNEYS FOR DEFENDANTS

CERTIFICATE OF CONFERENCE

On June 23, 2017, State Farm's counsel sent an email to Ryan Fowler, counsel for Plaintiff, requesting to confer regarding the merits of this motion. Mr. Fowler indicated Plaintiffs are NOT opposed to this motion.

/s/ Kristen L. Perry

KRISTEN L. PERRY

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the above and foregoing document has been served to all counsel in accordance with the Federal Rules of Civil Procedure on June 23, 2017.

/s/ W. Neil Rambin

W. NEIL RAMBIN